

AMENDING THE ACT OF CONGRESS OF SEPTEMBER 3,
1935 (49 STAT. 1085), AS AMENDED

JUNE 25, 1952.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. McMULLEN, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H. R. 7104]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 7104) to amend the act of Congress of September 3, 1935 (49 Stat. 1085), as amended, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

The amendment is as follows:

Page 2, line 4: Strike the word "Affairs." and insert in lieu thereof the following:

Affairs: *Provided further*, That such payment shall be made first from any funds on deposit in the Treasury of the United States to the credit of the Menominee Tribe drawing interest at the rate of 5 per centum and thereafter from funds drawing 4 per centum.

EXPLANATION OF THE BILL

The bill has as its purpose the authorization of a per capita payment of \$1,000 to the enrolled members of the Menominee Tribe of Indians of the State of Wisconsin. Presently the Menominee Tribe has on deposit in the Treasury of the United States the sum of \$9,819,989.04; \$7,650,000 of this amount was received by the tribe in satisfaction of a 1951 judgment by the Court of Claims against the United States.

The act of September 3, 1935 (49 Stat. 1085) conferred jurisdiction on the Court of Claims of the United States to hear and adjudicate all legal and equitable claims of whatsoever nature which the Menominee Tribe of Indians might have against the United States arising under or growing out of any treaties, agreements, wrongful handling of funds, etc. As a result of this jurisdictional act the Menominee Tribe

instituted action in the Court of Claims and received judgment which was settled, and after payment of all attorney fees netted to the tribe the before-mentioned amount of \$7,650,000 which was placed to their credit in the United States Treasury.

The last sentence of section 7 of the act of September 3, 1935, supra, provided as follows:

The net amount of any judgment recovered shall be placed in the Treasury of the United States to the credit of the said Indians, and shall draw interest at the rate of 4 percent per annum and shall be thereafter subject to appropriation by Congress for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

H. R. 7104 would amend this portion of such act so as to permit the use of a part of such judgment funds for a \$1,000 per capita payment. The committee has given most thorough consideration to the request of this tribe for the use of part of their funds for a per capita payment. The tribe made a good showing before the committee and has evidenced to the satisfaction of the committee the qualifications necessary for the granting to each of the members of such tribe of this per capita payment. The committee, however, feels that since such tribe now has certain funds in the Treasury of the United States drawing interest at the rate of 5 percent, that such funds should be first exhausted by the per capita payment, and the bill has been so amended by the committee in order that 5 percent interest funds will be used first in this per capita payment and thereafter the 4 percent funds.

There were 3,060 members of the Menominee Tribe on the tribal rolls as of December 31, 1951. The per capita distribution of \$1,000 would be made to each of such enrolled members except for those who are receiving welfare contributions either from the tribal welfare program or under the social-security program. Thus, approximately \$3,060,000 would be required of the Menominee funds for this per capita payment. After such per capita payment the Menominees would have approximately \$6,500,000 left to their credit in the Treasury of the United States. The tribe is one of the most advanced tribes in the United States, and it is felt by the committee and the Bureau of Indian Affairs that this tribe may soon be relieved of all Federal supervision and control.

The tribe owns and operates a large logging and sawmill operation which furnishes employment to a majority of the members of the tribe and furnishes an excellent source of revenue to the tribe and its members. In view of these facts, the committee felt that it would be to the best interest of the tribe to grant this per capita payment. It is worthy of note that all of the members of the tribe joined in the request for this per capita payment. It is further worthy of note that this per capita payment will bring about a considerable saving to the United States in its interest payment.

